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JUN 26 1984

FORTAS AND HARDMAN

F. Joseph Brinig
Of Counsel

1200 Twenty-ninth Street, N.W.
Washington, D.C. 20007-3385

(202) 337-5700

June 26, 1984

William J. Tricarico, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Caprock Educational Broadcasting Foundation
New FM Station, Ch. 211, Lubbock, Texas
ARN-840626__

REC'D MASS MED BUR
JUN 27 1984
AUDIO SERVICES

Dear Mr. Secretary:

On behalf of ~~Caprock Educational Broadcasting~~ Foundation, there is submitted in triplicate herewith an application on FCC Form 340 for authority to construct a new FM Broadcast Station on Channel 211 in Lubbock, Texas.

Should questions arise concerning this application, please contact this office.

Very truly yours,

F. Joseph Brinig
F. Joseph Brinig

Enclosures

cc: Caprock Educational Broadcasting Foundation

REC'D MASS MED BUR
JUN 27 1984
PUBLIC REF. ROOM

Section I

Approved by OMB
J060-0034
Expires 9/30/85

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE
CHANGES IN A NONCOMMERCIAL EDUCATIONAL
BROADCAST STATION

INSTRUCTIONS

- A. This form is to be used only in applying for authority to construct a new noncommercial educational TV, FM, or AM broadcast station or to make changes in an existing station. This form consists of this part, Section I, and the following sections:

Section II, Legal Qualifications of Broadcast Applicant
Section III, Financial Qualification of Broadcast Applicant
Section IV, Statement of Program Service of Broadcast Applicant
Section V-A, AM Broadcast Engineering Data
Section V-B, FM Broadcast Engineering Data
Section V-C, TV Broadcast Engineering Data
Section V-G, Antenna and Site Information
Section VI, Equal Employment Opportunity Program

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JUN 26 1984

FCC

- B. PREPARE THREE COPIES of this form and all exhibits to be filed with the Office of the Secretary

Prepare one additional copy (a total of four) of Section V-G and associated exhibits. File all the above with the Federal Communications Commission, Washington, D.C. 20554. APPLICANTS FILING FOR FINANCIAL ASSISTANCE FROM NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) SHOULD SUBMIT THIS APPLICATION TO THE FCC AT LEAST 10 DAYS PRIOR TO FILING WITH NTIA. Applicants filing with the FCC after this time should not expect FCC approval in time to receive NTIA funding. Applicants should check with NTIA for proper NTIA filing dates. Applicants applying for funding from other government agencies should check with that agency and the FCC to determine filing deadlines for both that agency and the FCC.

- C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this Section. Show date of preparation of each exhibit, antenna pattern, and map, and show date when each photograph was taken.

- D. The name of the applicant stated herein shall be the exact corporate name, if a corporation; if an unincorporated association, the exact name of the association; if a governmental or public educational agency, the exact name of such agency. The applicant must notify the Commission of any change of address.

- E. Information called for by this application which is already on file with the Commission (except that called for in Section III which is more than 90 days old and in Section V-G) need not be refilled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified FULLY by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public. (See Section 73.3635 of the Commission's Rules and Regulations. "Records to be maintained locally for public inspection by commercial applicants, permittees, and licensees.")

- F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation, by a member who is an officer, if the applicant is an unincorporated association; by each duly elected or appointed official as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or absence from the United States. The attorney shall, in the event she/he signs for the applicant, separately set forth the reasons why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), she/he shall separately set forth reasons for believing that such statements are true.

- G. Before filling out this application, the applicant should be familiar with the Communications Act of 1934, as amended, Parts I, 2, 17, and 78 of the Commission's Rules and Regulations.

- H. BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS WILL BE RETURNED WITHOUT CONSIDERATION.

REC'D MASS MED BUR

JUN 27 1984

THIS BLOCK FOR COMMISSION USE ONLY

File No.

1. NAME OF APPLICANT (See Instruction D)

CAPROCK EDUCATIONAL BROADCASTING FOUNDATION

STREET ADDRESS

3515 Goodfellow Lane

CITY

Amarillo

STATE

TX

ZIP CODE

79121

TELEPHONE NO. (Include area code)

(806) 355-5584

2. NAME OF PERSON TO WHOM COMMUNICATIONS SHOULD BE SENT, IF DIFFERENT FROM ITEM 1.

F. Joseph Brinig

STREET ADDRESS

Fortas & Hardman

1200 - 29th Street N.W.

CITY

Washington

STATE

D.C.

ZIP CODE

20007

TELEPHONE NO. (Include area code)

(202) 337-5700

3. (a) PURPOSE OF APPLICATION (Put "X" in appropriate box)

Change in existing station facilities

☒ New Station☐ Major☐ Minor

- (b) If this application is for a change in existing facilities, complete Section I plus any other Sections necessary to show all substantial changes in information previously filed with the Commission. (Indicate below the Sections completed and filed with this application.)

Section

☐ II☐ III☐ IV☐ V-A☐ V-B☐ V-C☐ V-G☐ VI

- (c) In the space below refer to information already on file with the Commission which, in accordance with Instruction E, may be incorporated in this application by proper reference.

File or Form No. and Date

Section No.

Paragraph No.

JUN 27 1984
N/A

4. REQUESTED FACILITIES

TYPE OF STATION

☐ AM☒ FM☐ TELEVISION

FREQUENCY

90.1 MHz

CHANNEL No.

211

CALL SIGN

NEW

HOURS OF OPERATIONS

24

POWER IN KILOWATTS

NIGHT

.638

DAY

.638

ANTENNA HEIGHT ABOVE AVERAGE TERRAIN IN FEET (FM and TV only)

268'

STATION LOCATION

CITY

Lubbock

STATE

Texas

Section I, Page 2

A. Is this application mutually exclusive with the renewal application of an existing station?

☐ YES☒ NO

If yes, state call letters and station location of existing station.

N/A

The APPLICANT hereby waives any claim to the use of any particular frequency or of the other as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934)

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 19 day of June, 1984.

(This Section should not be dated and signed until all Sections and Exhibits have been prepared and attached.)

BROADCASTING
CAPROCK EDUCATIONAL FOUNDATION

(Name of Applicant)

By Harry R. Barton
(Signature)

WILLFUL FALSE STATEMENTS MADE ON THIS
FORM ARE PUNISHABLE BY FINE AND
IMPRISONMENT. U.S. CODE, TITLE 18,
SECTION 1001.

Title Trustee

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested Authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

If applicant is represented by legal or engineering counsel, state name and post office address:

F. Joseph Brinig
1200 29th Street N.W.
Washington, D.C. 20007

EXHIBITS furnished as required by this form.

Exhibit No.	Section and Para No. of Form	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which)	Original Title
		(See Exhibit Index)	

Section II

LEGAL QUALIFICATIONS
OF BROADCAST APPLICANT

Name of Applicant

CAPROCK EDUCATIONAL
BROADCASTING FOUNDATION

FOR COMMISSION USE ONLY

File No.

INSTRUCTIONS

As used in this Section, the words "party to this application" mean: (1) in the case of a corporate applicant with outstanding stock, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock, and persons who voted any of the voting stock at the last stockholders meeting; (2) in the case of any other applicant which is not a governmental or public educational agency, all executive officers, members of the governing board; and owners or subscribers to any membership or ownership interest in the applicant; (3) in the case of an applicant which is a governmental or public educational agency, the members of the governing board and chief executive officers thereof.

1. Describe clearly and in detail the character and legal nature of the applicant (a corporation, unincorporated legal entity, or public body; a public or private educational institution; a State, county, city or other political subdivision, a board of education, school board or district, board of regents or trustees, or other department or unit of a state or one of its political subdivisions; a nonprofit corporation or unincorporated association formed for the purpose of operating a noncommercial educational broadcasting station) including the State, District, Territory or Possession under the laws of which the applicant is organized.

CAPROCK EDUCATIONAL BROADCASTING FOUNDATION is a charitable trust organized to operate a non-profit educational broadcast station in Lubbock, Texas, formed under the laws of the state of Texas.

2. a. State whether applicant is a nonprofit educational institution. ☐ Yes ☒ No

b. If the applicant is a nonprofit educational organization, describe in Exhibit No. 1 how the proposed station will be used for the advancement of an educational program. This does not apply if applicant is applying for change in facilities.

Attach as Exhibit No. 2 three copies, one of which must be properly certified of

(a) If applicant is a corporation, the articles of incorporation (or charter) and the by-laws (with amendments to both, if any), certified by the Secretary of State or other appropriate official.

(b) If applicant is an unincorporated association, or other legal entity, the articles of association or other legal instrument under which applicant is organized showing the purposes thereof, and the by-laws, if any (with amendments to both, if any).

(c) If applicant is a public educational institution, the laws (and amendments thereof) under which it was created with an appropriate citation as to the source thereof.

(d) If the applicant is a political subdivision, or a board, department or unit thereof, the laws (and amendments thereof) under which said subdivision, board, department or unit was created with an appropriate citation as to the source thereof.

4. Indicate specifically by reference to page and paragraph of the articles of incorporation or of association, or of the political subdivision, the charter powers relied upon by the applicant to show that it is legally empowered to construct and operate the proposed station. Art. 1 & 3

5. Are all parties to this application citizens of the United States? ☒ Yes ☐ No

If "No," state the name and citizenship of each party who is not a citizen of the United States.

N/A

6. a. Is applicant or any party to this application a representative of an alien or of a foreign government? ☐ Yes ☒ No

b. If applicant is a corporation, is more than 10 percent of the capital stock owned of record or may it be voted by aliens or their representatives, or by a foreign government or a representative thereof, or by any corporation organized under the laws of a foreign country? ☐ Yes ☒ No

c. If applicant is a corporation and is controlled by another corporation or corporations, is more than 25 percent of the capital stock of such controlling corporation or corporations owned of record or may it be voted by aliens, their representatives, or by any corporation organized under the laws of a foreign country? ☐ Yes ☒ No

d. If the answer to any of the foregoing parts of this paragraph is "Yes," attach as Exhibit No. N/A a full disclosure concerning the persons and matters involved.

7. a. Has the applicant or any party to this application been fully adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize radio communications, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition? (See Section 313 of the Communications Act of 1934, as amended) ☐ Yes ☒ No

b. If "Yes," attach as Exhibit No. N/A a full disclosure concerning the persons and matters involved, identifying the court and the proceedings (by dates and file numbers) stating the facts upon which the proceeding was based or the nature of the offense committed, and the disposition of the matter.

8. Is applicant directly or indirectly controlled by another legal entity?

☐ Yes☒ No

If "Yes", state below the name of such other legal entity, and state how such control, if any, exists and the extent thereof.

9. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest (if any).

Name and Residence	Office Held	Citizenship	Principal Profession or Occupation	By whom appointed or elected
Gary Barton 3515 Goodfellow Lane Amarillo, TX 79121	Trustee	U.S.A.	Executive	Governing Board
Scott Gilmour 5307 Berget Ave. Amarillo, TX 79109	Trustee	U.S.A.	Vice President - Marketing	Governing Board of Directors
Mark Ensign 1911 Karen Ave. Amarillo, TX 79109	Trustee	U.S.A.	C. P. A.	Governing Board of Directors
TRUSTEES AND GOVERNING BOARD OF DIRECTORS ARE ONE AND THE SAME.				

10. Television applicants which are nonprofit organizations rather than governmental bodies or educational institutions attach as Exhibit No. N/A evidence that officers, directors, and members of the governing board are broadly representative of the educational, cultural, and civic groups in the community. This does not apply if applicant is applying for change in facilities.

LEGAL QUALIFICATIONS

11. The Commission is seeking in this paragraph information as to contracts and arrangements now in existence, as well as any arrangements or negotiations, written or oral, which relate to the present or future ownership, control or operation of the station; the questions must be answered in the light of this instruction.

a. Applicant's control over the station is to be by reason of: (Indicate by check mark)

☒ Ownership

☐ Lease

☐ Other Authority

b. Name and address of the owner of the station (if other than the applicant)

N/A

c. Will the applicant have and maintain absolute control of the station, its equipment, and operation, including complete supervision of the programs to be broadcast?

☒ Yes ☐ No

If "No," explain.

d. Are there any documents, instruments, contracts or understandings relating to ownership, use or control of the station or facilities, or any right or interest therein?

☐ Yes ☒ No

If "Yes," attach as Exhibit No.

three copies of all such documents, instruments or contracts and state the substance of oral contracts or understandings.

12. a. If the execution of this application was duly authorized by a governing body, give date and place of the meeting of said governing body.

November 13, 1983

Amarillo, Texas

Governing Board of Trustees

b. Attach as Exhibit No. 3 three copies, one of which must be certified, of the resolution showing: (i) a quorum of members having authority to act was present, (ii) the resolution was voted favorably by the members required, (iii) the officer executing the application was authorized to do so.

13. Does applicant or any party to this application have now, or has applicant or any such party had, any interest in, or connection with, the following:

a. Any AM, FM, or TV broadcast station?

☐ Yes ☒ No

b. Any application pending before the Commission?

☒ Yes ☐ No

c. Any broadcast station the license or C.P. of which has been revoked?

☐ Yes ☒ No

If the answer to any of the foregoing parts of this paragraph is "Yes," show particulars in the table below:

(1) Name of party having such interest	(2) Nature of interest or connection (giving dates)	(3) Name of other applicant or call letters of station	(4) FCC File Number
	See Exhibit 9		

Section III

FINANCIAL QUALIFICATIONS
OF BROADCAST APPLICANT

Name of Applicant

CAPROCK EDUCATIONAL BROADCASTING FOUNDATION

FOR COMMISSION USE ONLY

File No.

INSTRUCTIONS

In the questions that follow, the Commission is seeking information as to contracts and arrangements now in existence, as well as any arrangements or negotiations, written or oral, which relate to the present or future financing of the station; the questions must be answered in the light of this instruction.

In lieu of all Section III information, see Exhibit 4

1a. Give estimated costs for installation of facilities and equipment for which application is made. The costs shown for the following must be the costs in place and ready for service, including the amounts for labor, supervision, materials, supplies, and freight. To the extent that all or part of the items below are covered by a contract or contracts containing a single quotation, the details of such contract or contracts shall be stated in lieu of the estimates called for below; but, in any event, the cost figures must represent costs in place and ready for service.

Transmitter proper including tubes		Antenna system, including tower, antenna ground system, coupling equipment, transmission line		Frequency and modulation monitors	
\$		\$		\$	
<u>Installation costs</u>		<u>Installation costs</u>		<u>Installation costs</u>	
Labor \$		Labor \$		Labor \$	
Supervision \$		Supervision \$		Supervision \$	
Materials & supplies \$		Materials & supplies \$		Materials & supplies \$	
Freight \$		Freight \$		Freight \$	
Studio technical equipment, microphones, transcription equipment, cameras, etc.		Acquiring land	Acquiring, Constructing or Modifying buildings	Other items (state nature)	
\$		\$	\$	\$	
<u>Installation costs</u>					
Labor \$					
Supervision \$					
Materials & supplies \$					
Freight \$					
Total Cost \$					
Give Estimated cost of operation for first year \$					
b. State the basis of the estimates in (1a.) above.					
1c. The proposed construction is to be financed and paid for in the following manner (including specified statements as to the approximate amount to be met and paid for from each source). The financial plan should provide for any additional construction costs should the actual cost exceed the original estimated cost.					
Existing capital	New capital	Loans from banks or others	State, County, Municipal appropriations		
\$	\$	\$	\$		
Federal Grants	Donations	Credit, deferred payments, etc.	Other sources (specify)		

FINANCIAL QUALIFICATIONS

1d. Provide full information as to the sources of funds for the first year's operation of the proposed station, including the following:

Source	On hand	Anticipated	Total
(1) State, County, Municipal appropriations			
(2) Schools, colleges, or universities			
(3) Foundations (specify)			
(4) Civic Groups			
(5) Individual donations			
(6) Project income (production services and contracts, tuition, study guides, non-broadcast activities, etc.)			
(7) Other (specify)			
TOTAL			

2. With respect to the funds referred to in Question 1(c) and 1(d) above, furnish information showing the availability of such funds, including:

a. for governmentally appropriated funds, the date, amount, appropriating body, and object of the appropriation, with any restrictions thereon;

b. for other than governmentally appropriated funds or Federal grants, attach as Exhibit No. _____ a detailed balance sheet of applicant, showing financial position as at the close of a month within 90 days of the date of application. If the status and composition of any assets and liabilities on the balance sheet are not clearly defined by their respective titles, attach as Exhibit No. _____ schedules which give a complete analysis of such items;

c. for all applicants, attach as Exhibit No. _____ a copy of the applicant's current annual budget, insofar as it relates to existing broadcasting operation(s).

Furnish the following information with respect to the non-governmental applicant only. If the answer is "None" to any or all items, specifically so state:

a. Amount of funds on deposit in bank or other depository

b. Name and address of the bank in which deposited

c. Name and address of the party in whose name the money is deposited

d. Conditions of deposit (in trust, savings, subject to check, on time deposit, who may draw on account and for what purpose, or other condition)

e. Whether the funds were deposited for the specific purpose of constructing and operating the station

Section IV

STATEMENT OF PROGRAM SERVICE OF BROADCAST APPLICANT	Name of applicant CAPROCK EDUCATIONAL BROADCASTING FOUNDATION	FOR COMMISSION USE ONLY File No.
--	--	--

1. Attach as Exhibit No. 5 the applicant's purpose and objective in establishing the proposed station and a statement of proposed program policies. If applicant already has such information on file, indicate file number and detail changes, if any.

2. Attach as Exhibit No. 6 a proposed weekly schedule of programs together with a brief description of programs not recognizable by their titles. (It is not expected that the licensee will or can adhere inflexibly in day-to-day operation to the representation made here. However, since such representation will constitute, in part, the basis upon which the Commission acts on the application, time and care should be devoted to the preparation of the reply so that it will reflect accurately the applicant's responsible judgement of his proposed programming policy.) If applicant already has such information on file, indicate file number and detail changes, if any.

NOTE: The following are examples of Program data:

1. Sources of programs are defined as follows:
 A local program (L) is any program originated or produced by the station or for the production of which the station is primarily responsible, employing live talent more than 50% of the time. Such a program, taped, filmed or recorded for later broadcast, shall be classified as local. A local program fed to the network shall be classified by the originating station as local.
 A record program (REC) (Radio only) is any program not falling within the definition of "local" above, which utilizes records, transcriptions or taped music, with or without commentary by a local announcer or other station personnel.
 A network program (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.
 Other programs (OTHER) are any programs not defined above, including, without limitation, syndicated and feature films, and taped or transcribed programs.

2. Types of educational programs are defined as follows:
 Instructional (I) includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers and college credit courses are examples of instructional programs.
 General Educational (GEN) is an educational program for which no formal credit is given.
 Performing Arts (A) is a program in which the performing aspect predominates such as drama or concert, opera or dance.
 News (NS) programs include reports dealing with current local, national and international events, including weather and stock market reports; and commentary, analysis or sports news when an integral part of a news program.
 Public Affairs (PA) includes programs, dealing with local, state, regional, national or international issues or problems, including, but not limited to, talks, commentaries, discussions, speeches, political programs, documentaries, mini-documentaries, panels, round tables, vignettes and extended coverage (whether live or recorded) of public events or proceedings such as local council meetings, Congressional hearings, and the like.
 Light Entertainment (LE) includes programs consisting of popular music or other light entertainment.
 Other (O) includes all programs not falling within the definitions of Instructional, General Education, Performing Arts, News, Public Affairs or Light Entertainment. Sports programs should be reported as "Other".

3. Will the applicant transmit any program which will promote any activity other than education in which the applicant or any party to the application is engaged or financially interested, whether directly or indirectly?

☐ YES If yes, attach as Exhibit a list of such programs together with comments showing the relationship of the programs to the applicant's other interests.

☒ NO

4. Attach as Exhibit 7 a description of facilities, staff and equipment available to the applicant for his development and production of program material. Include here such items as, for example, studio facilities; service subscribed to and libraries of program material maintained; cameras, tape recorders, remote equipment, etc.; staff personnel used in program production. If applicant already has such information on file, indicate file number and detail changes if any.

5. Will the proposed station be affiliated with any network?

☒ YES If yes, give the name of the network(s).

☐ NO

Station plans to use satellite-fed programming from American Heritage Radio Network.

6. State what percentage of the station's ordinary broadcast week will be devoted to instructional programming (See definition of instructional programming above).

See Exhibit 6

7. Has the applicant placed in its public inspection file the required documentation relating to its efforts to ascertain community problems and needs?

☐ YES

☐ NO If no, attach as Exhibit N/A an explanation.

Radio applicants attach as Exhibit the narrative description of this survey (as required by Section 73.3527 (b) of the Commission's Rules).

8. Has the applicant placed in its public inspection file the list of no more than 10 significant problems and needs which in the applicant's judgment, warrant treatment during the coming term, and proposed typical and illustrative programming to be broadcast in response thereto?

☐ YES If Yes, attach this listing as Exhibit No.

☒ NO

9. Television applicants attach as Exhibit No. N/A the Community Leader Checklist for your ascertainment effort conducted six months prior to filing.

NOTE: The PBS, NTR, EEN and SECA are examples of educational network(s).

SECTION V-B

FM ENGINEERING DATA

Name of applicant

CAPROCK EDUCATIONAL

BROADCASTING

FOUNDATION

FOR COMMISSION USE ONLY

File No.

1. Purpose of authorization applied for:
- ☒
- Construct a new station
- ☐
- Make changes in authorized Radio station

(a) If this is not for a new station, summarize briefly the nature of the changes proposed.

(b) If this is an application (or amendment thereto) to make changes in an existing station or to amend application for a new station is the change being made to one of the following?

(1) Frequency

(2) Station location

(3) Class

☐ Yes☐ No

(c) If Yes, this constitutes a major change. Question 3(a) on page 1 of Section I of this form should be answered accordingly.

2. Facilities requested

Frequency

Ch 211 90.1MHz

Transmitter power output

.50 KW

5. Transmitter

Make

QEI

Type No.

675T 500

Rated power

.5 KW

3. Proposed transmitter location

State

TX

County

Lubbock

City

Lubbock

Street address (or other identification)

58th and Quirt Ave,

(If the above-transmitter has not been accepted for licensing by the F.C.C., attach as Exhibit No. NA a complete showing of transmitter details. Showing should include schematic diagram and full details of frequency control. If changes are to be made in licensed transmitter include schematic diagram and give full details of frequency change.)

4. Proposed location of main studio

State

TX

County

Lubbock

City or town

Lubbock

Street address

To be determined

6. Transmission line proposed to supply power to the antenna from the transmitter

Make

Cablewave

Type No.

FCC158-50J

Description

Foamflex

Other studios proposed

None

Size (nominal transverse dimension)

1 5/8 inches

Length

300 ft.

Rated efficiency for this length

85 %

7a. Antenna Structure

Is the proposed construction in the immediate vicinity or does it serve to modify the construction of any AM, FM or TV broadcast station or other class of radio station?

☒ Yes☐ No

If Yes, attach as Exhibit No. E1 complete engineering data thereon.

Attach as Exhibit No. E2 a vertical plan sketch for the proposed total structure (including supporting building if any) giving heights above ground in feet for all significant features.

Overall height above ground (without obstruction lighting)

298 ft.

Height of antenna radiation center above mean sea level

Horizontal 3447 ft.

Vertical 3447 ft.

Geographical coordinates of antenna (to nearest second)

North Latitude 33 ° 32 ' 31 "

West Longitude 101 ° 49 ' 09 "

7b. Antenna Data

Make

Phelps Dodge

Type No. or description

CFM LP-3

Antenna power gain

Horizontal 1.5

Vertical

No. of Sections

Horizontal 3

Vertical

Is horizontal polarization proposed?

☐ Yes☒ No

If No, attach as Exhibit No. complete engineering data on the antenna and the effective radiated power proposed.

Circular

Is directional antenna proposed?

☐ Yes☒ No

If Yes, attach as Exhibit No. complete engineering data thereon.

8. If this is a major environmental action attach as Exhibit No. NA a sufficient number of aerial photographs taken in clear weather at appropriate attitudes and angles to show the nature of the surrounding terrain in the vicinity of the proposed transmitter site. The photographs must be marked so as to show compass directions. Photographs taken in eight different directions from an elevated position on the ground will be acceptable in lieu of the aerial photographs if the area can be clearly shown. Give date photographs were taken.

9. Proposed Operation - Power

10. Modulation Monitor

Transmitter output power	Dissipation within transmission line	Antenna input power	Effective radiated power	Make	Type No.
.50 kw	.075 kw	.425 kw	Horizontal - 638 kw Vertical - 638 kw	Belar	FMM-1

10. Attach as Exhibit No. NA a map (Sectional Aeronautical Charts where obtainable) showing the present and proposed 1mV/m (60dbu) contours.

Enter the following from Exhibit above:

Gain Area _____ Sq. mi.

Loss Area _____ Sq. mi.

Percent change (gain area plus loss area as percentage of present area) _____ If 50% or more this constitutes a major change.

Indicate in question 3(a), Section I, accordingly.

- 11(a). Attach as Exhibit No. E3 maps showing the nature of the terrain, etc., within 25 kilometers (15 miles) of the proposed antenna location. Where obtainable, 7½ minute topographic maps, such as U.S. Geological Survey quadrangles, shall be used. If these maps are not available, the next best available maps shall be used. In addition the following shall be indicated on map:

- (1.) Proposed transmitter and main, studio locations accurately plotted;
- (2.) Transmitter location and call letters of all known radio stations (except amateur and citizens band) and the location of established commercial and government receiving stations within 2 miles of the proposed transmitter location;
- (3.) Character of the area within 2 miles of transmitter location, suitably designated as to residential, business, industrial and rural nature;
- (4.) At least eight radials each extending to a distance of ten or more miles from the proposed transmitter location.

- (b) Attach as Exhibit No. E4 profile graphs for the radials in 11 (a)(4). Each graph shall show the elevation of the antenna radiation center. Identify each graph by its bearing from the proposed transmitter location. Direction true north shall be a zero azimuth and angles measured clockwise. Show source of topographical data and scale of miles on each.

12. From the profile graphs in 11(b), for the eight mile distance between two and ten miles from the proposed transmitter location, and in accordance with the procedure prescribed in Section 73.313 of the Commission's Rules, supply the following tabulation of data. (If proposed location is adjacent to the sea coast or the Great Lakes omit from this tabulation all radials which lie over water substantially the entire distance between two miles from the proposed transmitter location and the predicted 50 microvolt per meter contour.)

Radial bearing (degrees true)	Average elevation of radials (2-10 mi.) above mean sea level	Height of antenna radiation center above average elevation of radial (2-10 mi.)	Predicted distance to the 1mV/m contour	Predicted distance to the 50 uv/m contour
0°	3207 feet	240 feet	8.8 mi.	33.1 mi.
45°	3149	298	9.8	35.5
90°	3100	347	10.6	37.3
135°	3136	311	10.1	36
180°	3175	272	9.4	34.5
225°	3232	215	8.4	31.9
270°	3238	209	8.2	31.6
315°	3199	248	9.0	33.4

Antenna height above average terrain
(Average of above listed heights)

Horizontal 268 ft.
Vertical 268 ft.

(81.5 M)

Allocation Studies
(See Subpart C of Part 73 of the Commission's Rules and Regulations)

13. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?

☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

14. With regard to stations within 320 kilometers (199 miles) of the common border between the United States and Mexico, attach as Exhibit No. NA information required in 1/.

15. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), then with regard to stations more than 320 kilometers (199 miles) from the common border between the United States and Mexico or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz.) attach as Exhibit No. E5 a complete allocation study to establish the lack of prohibited overlap of contours involving these stations. The allocation study should include the following:

- (a) The normally protected, the interference-free and the interfering contours for the proposed operation along all azimuths.
- (b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
- (c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
- (d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
- (e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
- (f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
- (g) A scale of miles and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (h) The name of the map(s) used in the exhibit(s).

16. Is the proposed antenna location within 403 kilometers (250 miles) of the common border between the United States and Canada?

☐ Yes ☒ No

If Yes, attach as Exhibit No. NA a showing of compliance with all provisions of the Working Arrangement for Allocation of FM Broadcasting Stations on Channels 221-300 under The Canada-United States FM Agreement of 1947.

17. With regard to station separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as Exhibit No. _____ information required in 1/ (separation requirements involving intermediate frequency (i.f.) interference)

The proposed station meets the required separation plus atleast 10 miles. (15 KM)

- 1/ A showing that the proposed operation meets the minimum distance separation requirements. If any separations are proposed that are less than the applicable minimum separation requirements plus 15 kilometers, include these stations. Also include existing stations, proposed stations, and cities which appear in the Table of Assignments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

18. Is the proposed operation on Channel 218, 219 or 220?

☐ Yes ☒ NoIf Yes, attach as Exhibit No. _____
Channels 221, 222, and 223.information required in 1/ regarding separation requirements with respect to stations on

19. Is the proposed station for a channel in the range from Channel 201 to 221 (88.1-91.9 MHz) and the proposed antenna location within the Grade B contour of a channel 6 television station or sufficiently near the Grade B contour that a question of interference to channel 6 may be raised?

☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ a map showing the Grade B contour of the television station and the proposed antenna location. Also include discussion of the possibility of interference to the Channel 6 station and the steps proposed to remedy any interference which may occur.

20. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1 - 107.9 MHz)?

☐ Yes ☒ NoIf Yes, attach as Exhibit No. _____ information required in 1/ (Except for class D (secondary) proposals).21. If the proposed antenna location is in or near a populated area, attach Exhibit No. E6 a discussion of the possibility of blanketing and the steps proposed to remedy any interference which may occur.

22. Environmental Statement, See Part 1, Subpart I of the rules

Would a Commission grant of your application be a major action as defined by Section 1.1305 of the Commission's Rules?

☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ the required statement in accordance with Section 1.1311 of the Commission's Rules.

If No, explain briefly. One tower under 300'. No new tower construction.

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Date June 9, 1984

- ☐ Technical Director
☐ Registered Professional Engineer
☒ Consulting Engineer
☐ Chief Operator
☐ Other (Specify) _____

Signature _____

Marvin ClappAddress 3412 Ridgeview Dr

(Include ZIP Code)

El Dorado Hills, CA 95630Telephone No. 916 481-8191

(Include Area Code)

Broadcast Application		Section V-G (Antenna)																																				
ANTENNA AND SITE INFORMATION <small>(See instruction B, Section I)</small>		NAME OF APPLICANT CAPROCK EDUCATIONAL BROADCASTING FOUNDATION																																				
CLASS OF STATION FM Broadcast		STATION LOCATION Lubbock, TX																																				
FACILITIES REQUESTED Sidemount antenna on existing tower. 90.1 MHz .638 KW ERP		PURPOSE OF APPLICATION <i>(Put "X" in appropriate box)</i> <input type="checkbox"/> a. New antenna construction <input checked="" type="checkbox"/> b. Alteration of existing antenna structure <input type="checkbox"/> c. Change in location																																				
LEGAL COUNSEL F. Joseph Brinig, 1200 - 29th St. NW ADDRESS Washington, D.C. 20007 CONSULTING ENGINEER Marvin Clapp, 3412 Ridgeview Drive ADDRESS El Dorado Hills, CA 95630		3. Has the FAA been notified of proposed construction? <i>(Not necessary to file FCC Form 714.)</i> <input type="checkbox"/> YES If yes, give date and office where notice was filed. <input checked="" type="checkbox"/> No																																				
1. LOCATION OF ANTENNA <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">STATE</td> <td style="width: 30%;">COUNTY</td> <td style="width: 50%;">CITY OR TOWN</td> </tr> <tr> <td>TX</td> <td>Lubbock</td> <td>Lubbock</td> </tr> </table> Exact antenna location <i>(street address)</i> . If outside city limits, give name of nearest town and distance and direction of antenna from the town. 58th and Quirt Ave Geographical coordinates <i>(to nearest second)</i> . For directional antenna give coordinates of center of array. For single vertical radiator give tower location. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">North latitude</td> <td style="width: 50%;">West longitude</td> </tr> <tr> <td>33° 32' 31"</td> <td>101° 49' 09"</td> </tr> </table>		STATE	COUNTY	CITY OR TOWN	TX	Lubbock	Lubbock	North latitude	West longitude	33° 32' 31"	101° 49' 09"	4. FEATURES OF SURROUNDING TERRAIN Attach as Exhibit No. E3 a chart on which is plotted the exact location of the antenna site, and also the relative location and height of any natural formation or existing man-made structures (trees, water tanks, towers, buildings, etc.) which, in the opinion of the applicant, would tend to shield the antenna from aircraft. The chart used shall be a 7.5 or 15 minute series topographic quadrangle (choice depending upon proximity of the antenna site to landing areas) or full scale photo copy. On the chart include 1) a scale of miles, 2) sufficient latitude and longitude lines, clearly labeled, so that the location of sites may be verified, and 3) all identifying map information. These charts may be purchased from the U.S. Geological Survey, Washington, D.C. 20242 or, for areas west of the Mississippi River, from the U.S. Geological Survey, Denver, Colorado 80225. <i>(Exception - Where the proposed antenna site is within the boundary of landing area, submit a self-made, large scale map showing antenna site runways and existing man-made structures).</i>																										
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TX	Lubbock	Lubbock																																				
North latitude	West longitude																																					
33° 32' 31"	101° 49' 09"																																					
2. Is the proposed site the same or immediately adjacent the transmitter-antenna site of other stations authorized by the Commission or specified in another application pending before the Commission? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO File No. 71411-IB-78 If yes, give call sign:																																						
5. List all landing areas within 10 miles of antenna site. Give distance and direction to the nearest boundary of each landing area from the antenna site. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Landing Area</th> <th style="width: 30%;">Distance</th> <th style="width: 30%;">Direction</th> </tr> </thead> <tbody> <tr> <td>(a) Lubbock</td> <td>8.4</td> <td>358 Deg</td> </tr> <tr> <td>(b)</td> <td></td> <td></td> </tr> <tr> <td>(c)</td> <td></td> <td></td> </tr> </tbody> </table>				Landing Area	Distance	Direction	(a) Lubbock	8.4	358 Deg	(b)			(c)																									
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6. Description of antenna system <i>(If directional, give spacing and orientation of towers).</i> Antenna sidemounted on tower. Type Phelps Dodge CFM LP- 3 Description of tower(s) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">Self-supporting</th> <th colspan="3" style="width: 30%;">Guyed</th> <th colspan="3" style="width: 30%;">Tubular (Pole)</th> </tr> <tr> <th>Tower (height figures should include obstruction lighting)</th> <th>a1</th> <th>a2</th> <th>a3</th> <th>a4</th> <th>a5</th> <th>a6</th> </tr> <tr> <td>Height of radiating elements</td> <td>280</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Overall height above ground</td> <td>298</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Overall height above mean sea level</td> <td>3465</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Self-supporting	Guyed			Tubular (Pole)			Tower (height figures should include obstruction lighting)	a1	a2	a3	a4	a5	a6	Height of radiating elements	280						Overall height above ground	298						Overall height above mean sea level	3465					
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7. If a combination of AM, FM, or TV operation is proposed on the same multi-element array (either existing or proposed) attach as Exhibit No. NA a horizontal plan for the proposed antenna system, giving heights of the elements above ground and showing their orientation and spacing in feet. Clearly indicate if any towers are existing.																																						
8. Attach as Exhibit No. E2 a vertical plan sketch for the proposed total structure (including supporting building if any) giving heights above ground in feet for all significant features. Clearly indicate existing portions, noting lighting, and distinguish between the skeletal or other main supporting structure and the antenna elements.																																						
I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief. June 9, 1984 <div style="display: flex; justify-content: space-between;"> <div>(date)</div> <div>Signature <u>Marvin Clapp</u></div> <div>(check appropriate box below)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <input type="checkbox"/> Technical Director <input type="checkbox"/> Chief Operator <input type="checkbox"/> Registered Professional Engineer <input checked="" type="checkbox"/> Consultant </div>																																						

EQUAL EMPLOYMENT OPPORTUNITY

NAME OF APPLICANT

CAPROCK EDUCATIONAL BROADCASTING FOUNDATION

CALL SIGN
NEWCITY AND STATE WHICH STATION IS LICENSED TO SERVE
Lubbock, Texas

INSTRUCTIONS TO SECTION VI

Applicants seeking authority to construct or make changes in a noncommercial educational AM, FM, or TV broadcast station are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See Sections 73.125, 73.599, and 73.680 of the Commission's Rules. Pursuant to these requirements, an applicant who either proposes to employ or has 5 or more full-time station employees, must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination in employment (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics,) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1 *infra*, where the applicant proposes to employ less than five full-time station employees.

On July 26, 1976, the Commission issued a *Report and Order* in Docket No. 20550, 60 FCC 2d 226, 41 Fed. Reg. 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

In responding to Question No. 1, an applicant for a construction permit for a new noncommercial educational broadcast station who proposes to employ 5 or more full-time employees must, therefore, set forth in an exhibit its proposed EEO policy and practices relative to the first five elements of the model program. An applicant seeking a change in facilities of an existing noncommercial educational broadcast station, which employs 5 or more persons on a full-time basis, must set forth in its exhibit a description of the station's EEO program (elements 1 - 5) and a demonstration of the effectiveness of that program (elements 6 - 10). However, a program need not be filed where the required information was submitted to the Commission within the preceding 12 months in another application involving the subject station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which a change in facilities is requested, should be reported in response to Question No. 2. The applicant should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed, as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

If there have been no complaints the applicant should so state.

1. Submit as Exhibit No. N/A a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

Applicant proposes to employ less than five (5) full time employees.

2. Submit as Exhibit No. N/A a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status matter.

No complaints have ever been filed.

EXHIBIT INDEX

Exhibit No.	Section & Para. No. of Form	Name of Office or Employee	Title
1	Sec. II, Para. 2	Gary Barton (2)	Trustee
2	Sec. II, Para. 3	Gary Barton (2)	Trustee
3	Sec. II, Para. 12(b)	Gary Barton (2)	Trustee
4	Sec. III, Para. 2(b)	Gary Barton (2)	Trustee
5	Sec. IV, Para. 1	Gary Barton (2)	Trustee
6	Sec. IV, Para. 2	Gary Barton (2)	Trustee
7	Sec. IV, Para. 4	Gary Barton (2)	Trustee
8	Certification of Local Notice Publication:	Gary Barton (2)	Trustee
9	Sec. II, Para. 13	Gary Barton (2)	Trustee
E-1	Sec. V-B, Para. 7(a)	Marvin Clapp (1)	Consultant
E-2	Sec. V-B, Para. 7(a)	Marvin Clapp (1)	Consultant
	Sec. V-G, Para. 8	Marvin Clapp (1)	Consultant
E-3	Sec. V-B, Para. 11(a)	Marvin Clapp (1)	Consultant
	Sec. V-G, Para. 4	Marvin Clapp (1)	Consultant
E-4	Sec. V-B, Para. 11(b)	Marvin Clapp (1)	Consultant
E-5	Sec. V-B, Para. 15	Marvin Clapp (1)	Consultant
E-6	Sec. V-B, Para. 19	Marvin Clapp (1)	Consultant

EXHIBIT 1

The primary purpose of the FM Educational Radio Station will be to produce and broadcast educational radio programs as follows:

1. General educational programs produced and designed to appeal to all age groups.
2. Remedial education programs for school age children in areas such as Math, History, Reading and Science.
3. Practical "How To" educational programs in areas such as gardening, finance, health, etc.
4. Educational programs directed at minority issues--public services available, bilingual issues, job skill training, etc.
5. Educational programs directed at the specific needs of senior citizens--special services available, special diet considerations, living and maintaining oneself alone as an elderly person, etc.
6. Educational programs directed to the unique needs and requirements of the handicapped.
7. Individual seminar programs, suitable for taping, with outlines available in printed form for later review by a listener at his or her convenience.
8. Educational programs of music interpretation and analysis of fine arts presentations.
9. Current local, national and international news events, including weather reports and sports.
10. Public affairs dealing with local, state, regional, national and international issues and problems.
11. Light entertainment.

EXHIBIT 2

**EDUCATIONAL
BROADCASTING
FOUNDATION**

DECLARATION OF TRUST

DECLARATION OF TRUST, made as of the 14th day of
November, 1983 by
(name and address) Gary R. Barton
3515 Goodfellow Lane, Amarillo, Texas 79121;
(name and address) Scott Gilmour
5307 Berget Ave., Amarillo, Texas 79109;
(name and address) Mark Ensign
1911 Karen Ave., Amarillo, Texas 79109;
who hereby declare and agree that they received this day from
(name) Gary R. Barton, as Donor, the sum of Ten Dollars (\$10),
and that they will hold and manage the same and any additions to it IN
TRUST, as follows:

FIRST: This trust shall be called the CAPROCK EDUCATIONAL
BROADCASTING FOUNDATION.

SECOND: The trustees may receive and accept property, whether
real, personal or mixed, by way of gift, bequest or devise, from any
person, firm, trust, or corporation, to be held, administered, and dis-
posed of in accordance with and pursuant to the provisions of this Decla-
ration of Trust; but no gift, bequest, or devise of any such property
shall be received and accepted if it be conditioned or limited in such
manner as shall require the disposition of the income or its principal to
any person or organization other than a "charitable organization," or for
other than "charitable purposes" within the meaning of such terms as
defined in Article Third of this Declaration of Trust, or as shall in the
opinion of the trustees, jeopardize the Federal income tax exemption of
this trust pursuant to Section 501(c)(3) of the Internal Revenue Code of
1954, as now in force or afterwards amended (the "Code").

THIRD: This trust is established for the purpose of operating a
non-profit educational broadcast station in (locations) _____
Lubbock, Texas _____.

A. The principal and income of all property received and
accepted by the trustees to be administered under this Declaration of
Trust shall be held in trust by them, and the trustees may make
payments or distributions from income or principal or both to or for
the use of such charitable organizations, within the meaning of that
term as defined in paragraph C, in such amounts and for such charitable

EXHIBIT 2

purposes of the trust as the trustees shall from time-to-time select and determine; and the trustees may make payments or distributions from income or principle, or both, directly for such charitable purposes, within the meaning of that term as defined in paragraph D, in such amounts as the trustees shall from time-to-time select and determine without making use of any other charitable organization. The trustees may also make payments or distributions of all or any part of the income or principal to states, territories or possessions of the United States, any political subdivision of any of the foregoing, or to the United States or the District of Columbia, but only for the charitable purposes within the meaning of that term as defined in paragraph D. Income or principal derived from contributions by corporations shall be distributed by the trustees for use solely within the United States or its possessions. No part of the net earnings of this trust shall inure or be payable to or for the benefit of any private shareholder or individual, and no substantial part of the activities of this trust shall be the carrying on of propaganda, or otherwise attempting to influence legislation, or the participation in or intervention in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

B. The trust shall continue forever unless the trustees terminate it and distribute all of the principal and income, which action may be taken by the trustees in their discretion at any time. On such termination, the trust fund as then constituted shall be distributed to or for the use of such charitable organizations, in such amounts and for such charitable purposes as the trustees shall then select and determine. The Donor authorizes and empowers the trustees to form and organize a nonprofit corporation limited to the uses and purposes provided for in this Declaration of Trust, such corporation to be organized under the laws of any state or under the laws of the United States as may be determined by the trustees; such corporation when organized to have power to administer and control the affairs and property and to carry out the uses, objects and purposes of this trust. Upon the creation and organization of such corporation, the trustees are authorized and empowered to convey, transfer, and deliver to such corporation all the property and assets to which this trust may be or become entitled. The charter, bylaws, and other provisions for the organization and management of such corporation and its affairs and property shall be such as the trustees shall determine, consistent with the provisions of this paragraph B.

C. In this Declaration of Trust, and in any amendments to it, references to "charitable organizations" or "charitable organization" mean corporations, trusts, funds, foundations, or community chests created or organized in the United States or in any of its possessions, whether under the laws of the United States, any state or territory, the District of Columbia, or any possession of the United States, organized and operated exclusively for charitable purposes, no part of the net earnings of which inures or is payable to or for the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to